

Comité Liberté pour Ivan

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PRESS RELEASE

CANADA IS DETAINING A BASQUE REFUGEE ON THE BASIS OF INFORMATION OBTAINED UNDER TORTURE

The Minister of Public Security and Emergency Preparedness has held Ivan Apaolaza Sancho, a Basque refugee claimant, for the past nine months without presenting any evidence to sustain its allegations. The accusations against him are based entirely on a declaration made under torture.

Montreal, 25 March 2008 – Ivan Apaolaza Sancho, a refugee claimant of Basque origin, has been detained at the Rivière-des-Prairies prison since June 2007 and currently faces deportation proceedings, and all of this solely on the basis of allegations by the Spanish government. In spite of the numerous requests made by Mr. Apaolaza Sancho's lawyers, no evidence has been filed to support these allegations. Moreover, it seems that the accusations put forth by the Spanish government are based entirely on declarations made by a woman who was being held 'incommunicado' in Spain at the time.

In fear of being unjustly criminalized, imprisoned and tortured by the Spanish authorities, as many of his compatriots have been, M. Apaolaza Sancho left the Basque country in 1997 after completing university. He came to Canada in 2001 under a false name—for fear of being unjustly targeted and sent back to torture and imprisonment in Spain.

In June 2007, M. Apaolaza Sancho was arrested by the RCMP on the basis of allegations from the Spanish government, which claim that Mr Apaolaza Sancho had « participated in terrorist activities » and that he is a member of the ETA.

Mr. Apaolaza Sancho denies these accusations.

« Ivan claimed refugee status in Canada. Currently, the claim for refugee status is suspended, pending the current Inadmissibility Hearing being prosecuted by the Canada Border Services Agency, who allege that he is a member of the ETA. However, all the government has is the allegations of the Spanish authorities. The content of these allegations is identical to the content of a declaration made under torture by a Basque activist who recanted the declaration as soon as she was brought before a judge, » states Maître William Sloan, Mr. Apaolaza Sancho's lawyer.

The extraction of declarations under torture, a common practice of the Spanish authorities, has been denounced by numerous international human rights organizations, such as Amnesty International and the United Nations Special Rapporteur on Torture, and it contravenes the Convention Against Torture, to which Canada is a signatory. « The conditions of detention for Basque political prisoners are abominable. The Spanish anti-

terrorist law allows a period of incommunicado detention that can range from 5 to 13 days. During this period, detainees have no contact with their family, their lawyers or a doctor. Many prisoners are forced to sign false declarations, obtained under torture, during this period, » explains Didier Rouget, jurist and expert on the situation in the Basque Country.

Threatened with deportation, M. Apaolaza Sancho does not, moreover, benefit from the same judicial mechanisms that have been put in place to protect the fundamental rights of Canadian citizens. “The Canadian authorities cannot order the deportation of Mr. Ivan Apaolaza Sancho without ensuring that his legal rights are fully respected, as such rights are the foundation of the rule of law. This requires that he be able to know the evidence underlying the allegations against him and that his case be heard before an appropriate judicial authority in Canada,” states Nicole Filion, of the Quebec Civil Liberties Union (La Ligue des droits et libertés du Québec).

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Open letter by Ivan Sancho:
<http://nooneisillegal-montreal.blogspot.com/2008/03/open-letter-by-ivan-apaolaza-sancho.html>